

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANA SAIKI,

Plaintiff,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-CV-849-RSM-DWC

**STIPULATED ORDER TO
CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 AND
CONTINUE CASE MANAGEMENT
DEADLINES**

CYNTHIA STRECKER,

Plaintiff,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-862-RSM-DWC

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 1

LEO THORBECKE and MARJORITA
DEAN,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-870-RSM-DWC

LINDA BOOTH, MARY NAPIER, and
CANDACE DAUGHERTY,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00879-RSM-DWC

EVA DRESCH,

Plaintiff,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-892-RSM-DWC

LINDA CRAWFORD and MICHAEL
PRICE,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00894-RSM-DWC

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 2

JAN TAYLOR and SHELLEY TAYLOR,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00925-RSM-DWC

JULIE MACK, JOANNE MULLINS and
INGRID COX,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00935-RSM-DWC

KENNETH HENSLEY, as guardian of R.H.,

Plaintiffs,

v.

MCG HEALTH, LLC,

Defendant.

NO. 2:22-cv-00978-RSM-DWC

WHEREAS, between June 16, 2022 and July 15, 2022, nine (9) related proposed class actions were filed in the United States District Court, Western District of Washington arising out of an alleged data breach involving MCG Health, LLC (“MCG” or “Defendant”):

- *Saiki v. MCG Health, LLC*, No. 2:22-cv-00849 (“*Saiki*”), filed June 16, 2022, and currently pending before Judge Ricardo S. Martinez and Judge David W. Christel;
- *Strecker v. MCG Health, LLC*, No. 2:22-cv-00862 (“*Strecker*”), filed June 20, 2022, and currently pending before Judge Ricardo S. Martinez and Judge David W. Christel;

STIPULATED ORDER TO CONSOLIDATE RELATED CASES
PURSUANT TO FRCP 42 - 3

- 1 • *Thorbecke, et al. v. MCG Health, LLC*, No. 2:22-cv-00870 (“*Thorbecke*”), filed
- 2 June 21, 2022, and currently pending before Judge Ricardo S. Martinez and
- 3 Judge David W. Christel;
- 4 • *Booth, et al. v. MCG Health, LLC*, No. 2:22-cv-00879 (“*Booth*”), filed June 22,
- 5 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 6 W. Christel;
- 7 • *Dresch v. MCG Health, LLC*, No. 2:22-cv-00892 (“*Dresch*”), filed June 24,
- 8 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 9 W. Christel;
- 10 • *Crawford, et al. v. MCG Health, LLC*, No. 2:22-cv-00894 (“*Crawford*”), filed
- 11 June 24, 2022, and currently pending before Judge Ricardo S. Martinez and
- 12 Judge David W. Christel;
- 13 • *Taylor, et al. v. MCG Health, LLC*, No. 2:22-cv-00925 (“*Taylor*”), filed July 1,
- 14 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 15 W. Christel;
- 16 • *Mack v. MCG Health, LLC*, No. 2:22-cv-00935 (“*Mack*”), filed July 6, 2022,
- 17 and currently pending before Judge Ricardo S. Martinez and Judge David W.
- 18 Christel; and
- 19 • *Hensley v. MCG Health, LLC*, No. 2:22-cv-00978 (“*Hensley*”), filed July 15,
- 20 2022, and currently pending before Judge Ricardo S. Martinez and Judge David
- 21 W. Christel (together, the “Related Cases”).

22 WHEREAS, on August 3, 2022, the Court ordered the parties “to meet-and-confer in
 23 accordance with Local Civil Rule 42(b) and either file a stipulation to consolidate or file a
 24 response of no more than five pages (excluding supporting declarations) SHOWING CAUSE
 25 why the above captioned cases should not be consolidated (without prejudice to later
 26 bifurcation, as appropriate) on or before August 22, 2022.” Dkt. 27.

1 WHEREAS, the parties have conferred and agree that consolidation is appropriate
 2 under Federal Rule of Civil Procedure (FRCP) 42(a) because the Related Cases involve
 3 common questions of law or fact, specifically, the cases name a common defendant, and allege
 4 similar claims on behalf of overlapping classes arising from the same alleged data breach;

5 WHEREAS, the Related Cases presently have varying court-imposed deadlines for
 6 holding the FRCP 26(f) conference, submitting initial disclosures, and submitting the Joint
 7 Status Report and Discovery Plan (*see, e.g., Booth*, Dkt. No. 15);

8 WHEREAS, maintaining these varying deadlines prior to consolidation would lead to
 9 inefficiency, duplication of effort, and an unnecessary expenditure of resources;

10 WHEREAS, to conserve party resources and for efficiency, the parties agree to defer the
 11 above-mentioned deadlines until after the filing of a consolidated complaint;

12 NOW THEREFORE, pursuant to Local Civil Rule (LCR) 42 and the Court's August 3,
 13 2022 Orders, the Parties STIPULATE and AGREE that:

14 1. The following actions pending in this District shall be consolidated for pre-trial
 15 proceedings and trial pursuant to FRCP 42(a) (hereafter the "Consolidated Action"):

- 16 • *Saiki v. MCG Health, LLC*, Cause No. 2:22-cv-00849, Judge Ricardo S. Martinez
- 17 • *Strecker v. MCG Health, LLC*, Cause No. 2:22-cv-00862, Judge Ricardo S. Martinez
- 18 • *Thorbecke, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00870, Judge Ricardo S.
 19 Martinez
- 20 • *Booth, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00879, Judge Ricardo S.
 21 Martinez
- 22 • *Dresch v. MCG Health, LLC*, Cause No. 2:22-cv-00892, Judge Ricardo S. Martinez
- 23 • *Crawford, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00894, Judge Ricardo S.
 24 Martinez
- 25 • *Taylor, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00925, Judge Ricardo S.
 26 Martinez

- *Mack, et al. v. MCG Health, LLC*, Cause No. 2:22-cv-00935, Judge Ricardo S. Martinez
- *Hensley v. MCG Health, LLC*, Cause No. 2:22-cv-00978, Judge Ricardo S. Martinez

2. All papers filed in the Consolidated Action must be filed under Case. No. 2:22-cv-00849, the number assigned to the first-filed case, and must bear the following caption:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re MCG Health Data Security Issue
Litigation

Case No. 2:22-cv-00849

3. The case file for the Consolidated Action will be maintained under the Master File Case No. 2:22-cv-00849.

4. The clerk is directed to file this order in all nine cases first, then administratively close the following related cases:

- a. *Strecker v. MCG Health, LLC*, No. 2:22-cv-00862;
- b. *Thorbecke, et al. v. MCG Health, LLC*, No. 2:22-cv-00870;
- c. *Booth, et al. v. MCG Health, LLC*, No. 2:22-cv-00879;
- d. *Dresch v. MCG Health, LLC*, No. 2:22-cv-00892;
- e. *Crawford, et al. v. MCG Health, LLC*, No. 2:22-cv-00894;
- f. *Taylor, et al. v. MCG Health, LLC*, No. 2:22-cv-00925;
- g. *Mack v. MCG Health, LLC*, No. 2:22-cv-00935;
- h. *Hensley v. MCG Health, LLC*, No. 2:22-cv-00978.

5. Any action subsequently filed, transferred, or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action shall be automatically

consolidated with it within 10 calendar days following the filing of that action. If any party objects to such consolidation or otherwise wishes to seek alternative relief, they shall do so before the expiration of that period.

6. As soon as practicable, the parties shall file a Notice of Related Cases pursuant to LCR 3(g) whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on plaintiff's counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendant(s) in the new case; and
- d. make the appropriate entry in the Master Docket.

7. The Parties further stipulate and agree to the following deadlines in the Related Cases:

| Event | Deadline |
|--------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Consolidated Class Action Complaint | 30 days after the Related Cases are consolidated |
| FRCP 26(f) Conference | 30 days after briefing is completed on Defendant's Motion to Dismiss |
| Defendant's Answer or Responsive Pleading ¹ | 45 days after filing of Consolidated Class Action Complaint |
| Joint Status Report and Discovery Plan | 45 days after briefing is completed on Defendant's Motion to Dismiss |
| Initial disclosures pursuant to FRCP 26(a)(1) | 25 days after the FRCP 26(f) Conference |
| Motion for class certification | To be set in connection with the issuance of a scheduling order after the Parties conduct their FRCP 26(f) conference and submit their Joint Status Report |

¹ In the event MCG replies by way of motion, the Parties agree to meet and confer and submit a stipulation regarding an appropriate briefing schedule.

1 **IT IS SO STIPULATED.**

2 DATED this 17th day of August, 2022.

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PURSUANT TO THE FOREGOING STIPULATION, **IT IS SO ORDERED.**

Dated this 17th day of August, 2022.



David W. Christel
United States Magistrate Judge